

Effective 5/10/2016

10-18-105 Scope of chapter.

- (1) Nothing in this chapter authorizes any county or other political subdivision of this state to:
 - (a) provide:
 - (i) a cable television service; or
 - (ii) a public telecommunications service; or
 - (b) purchase, lease, construct, maintain, or operate a facility for the purpose of providing:
 - (i) a cable television service; or
 - (ii) a public telecommunications service.
- (2) Except as provided in Subsections (3) and (4), this chapter does not apply to a municipality purchasing, leasing, constructing, or equipping facilities:
 - (a) that are designed to provide services within the municipality ; and
 - (b) that the municipality:
 - (i) uses for internal municipal government purposes; or
 - (ii) by written contract, leases, sells capacity in, or grants other similar rights to a private provider to use the facilities in connection with a private provider offering:
 - (A) cable television services; or
 - (B) public telecommunications services.
- (3)
 - (a) As used in this Subsection (3), "municipal entity" means:
 - (i) a municipality; or
 - (ii) an entity created pursuant to an agreement:
 - (A) under Title 11, Chapter 13, Interlocal Cooperation Act; and
 - (B) to which a municipality is a party.
 - (b) Notwithstanding Subsection (2), a municipal entity shall comply with Subsection (3)(c) if the municipal entity purchases, leases, constructs, or equips facilities that the municipal entity by written contract leases, sells capacity in, or grants other similar rights to a private provider to use the facilities in connection with a private provider offering:
 - (i) cable television services; or
 - (ii) public telecommunications services.
 - (c) A municipal entity described in Subsection (3)(b) shall, with respect to an action described in Subsection (3)(b), comply with the obligations imposed on a municipality pursuant to:
 - (i) Section 10-18-302; and
 - (ii) Subsections 10-18-303(3) and (4).
- (4) A municipality described in Subsection 10-18-105(2) may call an election under Section 10-18-204 with respect to the provision of public telecommunications service facilities.

Amended by Chapter 419, 2016 General Session